

Exhibit 18

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1 UNITED STATES DISTRICT COURT
 2 FOR THE EASTERN DISTRICT OF VIRGINIA
 3 ALEXANDRIA DIVISION

4 UNITED STATES OF AMERICA, . Criminal No. 1:01cr455

5 vs. . Alexandria, Virginia
 6 March 20, 2006

7 ZACARIAS MOUSSAOUI, . 9:30 a.m.

8 a/k/a Shaqil, a/k/a .

9 Abu Khalid al Sahrawi, .

10 Defendant. .

11

12 TRANSCRIPT OF JURY TRIAL
 13 BEFORE THE HONORABLE LEONIE M. BRINKEMA
 14 UNITED STATES DISTRICT JUDGE
 15 VOLUME VI

16 APPEARANCES:

17 FOR THE GOVERNMENT:

18 ROBERT A. SPENCER, AUSA
 19 DAVID J. NOVAK, AUSA
 20 DAVID RASKIN, AUSA
 21 United States Attorney's Office
 22 2100 Jamieson Avenue
 23 Alexandria, VA 2231430

24 FOR THE DEFENDANT:

25 GERALD THOMAS ZERKIN
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 Assistant Federal Public Defenders
 Office of the Federal Public
 Defender
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COMPUTERIZED TRANSCRIPTION OF STENOGRAPHIC NOTES

1 BY MR. MAC MAHON:

2 Q. Agent, you never once asked a single judge who's in charge of
3 determining probable cause to actually determine whether there was
4 probable cause to search Moussaoui?

5 A. Yes, sir. That's why I phrased it as in my opinion.

6 MR. MAC MAHON: Nothing further, Your Honor. Thank you.

7 THE COURT: Agent Samit, thank you for your testimony.

8 Now, just wait one second.

9 Is there any possibility that Agent Samit might be
10 called again in the course of the proceedings.

11 MR. NOVAK: There is. For that reason, we don't want
12 him released, and I'd actually ask him to treat himself as
13 sequestered from this point forward just in case he's recalled.

14 THE COURT: Agent Samit, that means you don't read
15 anything about this case. You avoid any media coverage. You're
16 free to go back to work. They'll give you advance notice when
17 you're supposed to come back here. And obviously, you're not to
18 discuss your testimony or anything you've seen or heard in the
19 courtroom with any witness who has not yet testified.

20 THE WITNESS: Yes, Your Honor.

21 THE COURT: Thank you. You're free to go at this point.

22 (Witness stood down.)

23 THE COURT: Call your next witness, Mr. Spencer.

24 MR. SPENCER: Thank you, Your Honor. The United States
25 calls Scott Billings.

1 SCOTT BILLINGS, GOVERNMENT'S WITNESS, AFFIRMED

2 DIRECT EXAMINATION

3 BY MR. SPENCER:

4 Q. Good afternoon, sir. Could you give the jury your name and
5 spell your last name, please.

6 A. Yes. My name is Scott Billings, B-i-l-l-i-n-g-s.

7 Q. Are you a special agent with the FBI?

8 A. Yes, I am.

9 Q. How long have you been employed by the FBI, Agent?

10 A. For approximately 15 years.

11 Q. Where are you stationed?

12 A. I am stationed in the Oklahoma City Division.

13 Q. All right. And in any particular resident agency within that
14 division?

15 A. Yes. Currently for the past three years, I've been stationed
16 in the Stillwater resident agency.

17 Q. Stillwater, Oklahoma?

18 A. Yes.

19 Q. What's your assignment at the Stillwater resident agency?

20 A. The Stillwater resident agency is a, it's a two-man RA, so we
21 work all the federal violations in our territory that are federal
22 interest.

23 Q. And where were you stationed, Special Agent Billings, on
24 September 11, 2001?

25 A. I was stationed in Oklahoma City and assigned to the Joint

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1 Terrorism Task Force.

2 Q. All right. And you'd been stationed there, for instance, in
3 August of 2001 as well?

4 A. Yes.

5 Q. Were you asked after September 11, Special Agent Billings, to
6 obtain a search warrant for a location in Norman, Oklahoma?

7 A. Yes, I was.

8 Q. And what address?

9 A. It was at 209-A Wadsack Avenue in Norman, Oklahoma.

10 Q. Is Wadsack, W-a-d-s-a-c-k?

11 A. Yes.

12 Q. And why were you asked to get a search warrant there?

13 A. We had conducted some interviews from September 11 onward
14 indicating that Mr. Moussaoui had lived in that residence, and
15 then also that he had left some property inside the residence.

16 Q. All right. Did he live there alone, or were there other
17 people who lived there with him?

18 A. He had a couple roommates who still currently resided in that
19 apartment at that time.

20 Q. What were the names for the jury, please, of those roommates?

21 A. One was Hussein al-Attas.

22 Q. Who was the other one?

23 A. I'm sorry?

24 Q. I'm talking over you, and I apologize.

25 A. That's all right. And the second one was Mukkaram Ali.

1 Q. And did you, in fact, get a search warrant to search 209-A
2 Wadsack?

3 A. Yes, I did.

4 Q. Can you tell the jury when you got that warrant, please?

5 A. The warrant was approved by the judge there in the district
6 on September 15 at approximately 3:00 in the morning.

7 Q. And when did you start writing and applying for that warrant?

8 A. It was the early morning of September 14.

9 Q. Did you do all the work on that, or did you get a lead from
10 somewhere else to get that warrant? In other words, did you draft
11 the whole warrant, or did it come from an agent in a different
12 division, different office?

13 A. A lot of the information in the affidavit came from the
14 Minneapolis Division.

15 Q. From Agent Harry Samit?

16 A. That's correct.

17 Q. And you'd been working with him for a little while before
18 September 11?

19 A. Yes.

20 Q. And what role did you play in the search of 209-A Wadsack?

21 A. I was the team leader of the search. There was approximately
22 five or six individuals involved in the search, and I was, I was
23 the search leader. I assigned specific rooms to search and
24 different assignments for the other agents.

25 Q. All right. And you were responsible for inventorying all of

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1 the items that were seized in the course of that search?

2 A. Yes.

3 Q. Did you also, Special Agent Billings, get a search warrant to
4 search a black duffel bag?

5 A. I did.

6 Q. And why did you get a warrant for a black duffel bag?

7 A. After September 11, I interviewed Mr. Hussein al-Attas in
8 Norman. He indicated that Mr. Moussaoui had left a black duffel
9 bag back at the Norman apartment, so we obtained a search for
10 that. Also, we received information from an interview of Mukkaram
11 Ali, the other roommate, that this black bag was present in the
12 apartment.

13 Q. And when did you get the warrant for the black duffel bag?

14 A. It was simultaneously with the apartment warrant, which was
15 on the, the early morning hours of September 15.

16 Q. When you mean early morning hours, you're talking in the
17 middle of the night, right?

18 A. Yes.

19 Q. I'm going to have you take a look at what's been marked as
20 Government Exhibit OK-1000.

21 Mr. MacMahon, Your Honor, told me he's not going to
22 object to OK-1000, so I'm going to ask Mr. Francisco to put it up
23 on the projector.

24 MR. MAC MAHON: No objection.

25 THE COURT: Fine, then it's in.

1 (Government's Exhibit No. OK-1000 was received in
2 evidence.)

3 BY MR. SPENCER:

4 Q. Can you tell the jury, please, what OK-1000 is?

5 A. Okay. This is a photograph of the apartment at 209-A Wadsack
6 Avenue, in Norman, Oklahoma.

7 Q. And tell the jury, please, what kind of an apartment that is.

8 A. This is -- it's mainly an apartment for students at the
9 University of Oklahoma. It's, it's not campus housing, but pretty
10 much all the residents are students at the university.

11 Q. How many bedrooms in that apartment, 209-A?

12 A. I believe there were two bedrooms.

13 Q. What time of day did you do the search?

14 A. Approximately 3:00 in the morning, September 15.

15 Q. Did you take photographs to document where the various items
16 were found?

17 A. Yes.

18 Q. I'm going to have you look at a series of items now, Special
19 Agent Billings, beginning with Government Exhibit OK-1102. I'm
20 going to need Mr. Wood's assistance in --

21 THE COURT: Is there any objection to this?

22 MR. MAC MAHON: No objection to what was found at the
23 apartment, Your Honor.

24 THE COURT: All right.

25 MR. MAC MAHON: They can go through it.

1 MR. SPENCER: I'll try to move through it quickly, Your
2 Honor.

3 Q. What is 1102? Can you hold it up, please, sir?

4 A. This is a joystick for a computer simulator.

5 Q. Where was that item found, Special Agent Billings?

6 A. This item was found in the very back bedroom, where we were
7 explained that Mr. Moussaoui was residing in the apartment.

8 Q. Found in the defendant's bedroom?

9 A. Yes.

10 Q. Is that true of all the items --

11 A. Yes.

12 Q. -- seized here?

13 Can you move on to 1101, please?

14 THE COURT: All right, that's also in.

15 (Government's Exhibit Nos. OK-1001 and OK-1002 were
16 received in evidence.)

17 THE WITNESS: Okay. This is a -- this is the box that
18 this -- it's a Microsoft Flight Simulator 2000 Professional
19 Edition, and it's the box that contained the, I believe the
20 software.

21 BY MR. SPENCER:

22 Q. Okay. And also, Mr. Wood, OK-1095?

23 A. It's Microsoft Flight Simulator 98 CD.

24 Q. It's the actual disk that goes to the Microsoft simulator?

25 A. Yes, it is.

1 THE COURT: 1095 is also in.

2 (Government's Exhibit No. OK-1095 was received in
3 evidence.)

4 BY MR. SPENCER:

5 Q. And now to Government Exhibit OK-1125? What is 1125, Agent?

6 A. These are pages out of a, looks like an aviation magazine,
7 with various products such as a Lowrance Airmap, GPS.

8 MR. SPENCER: Your Honor, I'll wait until I'm done with
9 all of this and move it all at the end.

10 THE COURT: All right, that's fine.

11 BY MR. SPENCER:

12 Q. Can you move on now to OK-1116, please?

13 A. This is an airport facility directory for the South Central
14 U.S. Region.

15 Q. All right. Thank you very much.

16 Mr. Wood, could we have OK-1123 and 1124, please?

17 A. 1123 is a Sporty's Pilot Shop catalog.

18 Q. All right. And how about 1124?

19 A. And 1124 is also a Sporty's Pilot Shop catalog.

20 Q. And what is Sporty's Pilot Shop, do you know?

21 A. My limited knowledge of aviation, it's a, it's a catalog, you
22 can purchase pilot products and things like that.

23 Q. All right. Now, with Mr. Wood's assistance, can I have you
24 take a look at OK-1131 and 1132, please.

25 A. 1131 is a, pages from a magazine, it looks like an IP

1 trainer, instrument pilot training course information.

2 Q. And how about 1132?

3 A. Other pages from a magazine. This is a, a VFR & IFR MIC
4 Fright, which is information, also aviation information in the
5 pages.

6 Q. All right, thank you.

7 Mr. Wood, can we have OK-1117 followed by OK-1121,
8 please.

9 A. This is the 2001, let's see, Federal Aviation Regulations
10 Handbook.

11 Q. When you say "this," you mean OK-1117?

12 A. It's 1117, yes.

13 Q. Okay. And how about OK-1121?

14 A. 1121 is the private pilot FAA written exam book.

15 MR. SPENCER: Now, Mr. Wood, OK-1112, please.

16 THE WITNESS: This is an invoice from Gultronics Systems
17 Integration Centers, and it's in the amount of \$100 for, I
18 believe, a Camelot, described as Camelot computer gear.

19 MR. SPENCER: All right. Can you move on now to
20 OK-1113, please.

21 Your Honor, I'm going to want to display to the jury two
22 pages out of this item, so I ask that this be admitted now so I
23 may do that.

24 THE COURT: Yes, you may.

25 MR. SPENCER: Thank you, Your Honor.

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1 THE COURT: And while that's being done then, 1116,
2 1123, 1124, 1131, 1132, 1117, 1121, 1112 are also in, and you'd
3 moved the other ones in previously, so everything's in that you've
4 had an OK number with so far.

5 MR. SPENCER: Thank you, Your Honor. I didn't hear
6 1125. Did you list that?

7 THE COURT: Yes.

8 MR. SPENCER: Thank you.

9 THE COURT: I think I had already accepted that one.
10 Then we started doing it all at once, but they're all in. All
11 your OKs are in.

12 MR. SPENCER: Thank you, Judge.

13 (Government's Exhibit Nos. OK-1116, OK-1123, OK-1124,
14 OK-1131, OK-1132, OK-1117, OK-1121, OK-1112, and OK-1113 were
15 received in evidence.)

16 BY MR. SPENCER:

17 Q. Tell the jury first, Special Agent Billings, what OK-1113 is.

18 A. Okay. This is a small spiral notebook with some pen writing
19 inside in the pages.

20 Q. That was found in Moussaoui's bedroom?

21 A. Yes, it was.

22 Q. All right. Can we first look at -- do you see two pages up
23 on the screen in front of you?

24 A. Yes. Yes.

25 Q. Do you?

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1 A. Yes.

2 Q. Can you tell the jury what's written at the top of that
3 screen?

4 A. On the top of the first page, it appears to read "physical
5 training."

6 Q. All right. Now, please direct your attention to the second
7 page.

8 A. Okay.

9 Q. About halfway down, can you read what that says?

10 A. Halfway down, I can't make out the first word, but it
11 says "to the right" and something to the left. I can't make out
12 all the wording. Below that, it says "do not cut yourself (do not
13 cross over)."

14 Q. All right. And there appears to be a diagram drawn in the
15 middle of the page; is that fair to say?

16 A. Yes.

17 MR. SPENCER: All right. Now, please, Mr. Wood,
18 OK-1129?

19 THE COURT: And that's also in.

20 (Government's Exhibit No. OK-1129 was received in
21 evidence.)

22 THE WITNESS: 1129 is a FlitePro, pages from a magazine,
23 FliteStar, FliteMap, products and services.

24 BY MR. SPENCER:

25 Q. All right. Can we move on to OK-1111, please, Mr. Wood.

1 THE COURT: And it's in evidence as well.

2 (Government's Exhibit No. OK-1111 was received in
3 evidence.)

4 THE WITNESS: 1111 is a handwritten list of names and
5 e-mails and telephone numbers.

6 BY MR. SPENCER:

7 Q. And what is that written on?

8 A. That's the back page. The front page is an Islamic Society
9 of Norman, Oklahoma information or directory.

10 MR. SPENCER: All right. Mr. Wood, please, 1130 and
11 1120, please.

12 THE COURT: Those are both in.

13 (Government's Exhibit Nos. OK-1130 and OK-1120 were
14 received in evidence.)

15 THE WITNESS: 1120 is a private oral exam guide.

16 BY MR SPENCER:

17 Q. And how about 1130, Special Agent Billings?

18 A. 1130 is a 2001 product showcase from Aviation Supplies and
19 Academics, Incorporated.

20 MR. SPENCER: All right. Now, Mr. Wood, if you would,
21 OK-1126 and 1127, please.

22 THE COURT: Those are both in.

23 (Government's Exhibit Nos. OK-1126 and OK-1127 were
24 received in evidence.)

25 THE WITNESS: 1126 is a Jeppesen catalog for the month

1 January, year 2001.

2 BY MR. SPENCER:

3 Q. And what is a Jeppesen catalog?

4 A. It's another aviation catalog.

5 Q. All right. And is that true also for OK-1127? It's also a
6 Jeppesen catalog?

7 A. Yes, it is.

8 MR. SPENCER: All right. Now, Mr. Wood, I think we can
9 move to the last four: 1122, 1128, 1119, and 1114.

10 THE COURT: All right, those four are also in evidence.

11 (Government's Exhibit Nos. OK-1122, OK-1128, OK-1119,
12 and OK-1114 were received in evidence.)

13 THE WITNESS: 1122 is a King Catalog. It's another
14 aviation product catalog.

15 BY MR. SPENCER:

16 Q. All right.

17 A. 1119 is a private pilot's license course, and it's the JAR
18 edition.

19 Q. Thank you.

20 A. 1114 is a, it's a -- appears to be a one or -- let's see,
21 it's a three-page typed information. It includes instructions for
22 flying a plane, before starting engine, engine run-up, starting
23 engine, taxi for run-up, and before take-off.

24 Q. Now, and finally with Mr. Wood's assistance, I'd like to show
25 you what's been marked as Government Exhibit FO-6005.

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1 Your Honor, we would offer this under a business records
2 certification, which is Government Exhibit FO-6000.

3 MR. MAC MAHON: No objection, Your Honor.

4 THE COURT: All right, both FO-6000 and FO-6005 are in.

5 (Government Exhibit Nos. FO-6000 and FO-6005 were
6 received in evidence.)

7 MR. SPENCER: Your Honor, permission to put 6005 in,
8 Your Honor.

9 THE COURT: Yes, sir.

10 BY MR. SPENCER:

11 Q. Special Agent Billings, can you tell us what 6005 is?

12 A. This is a bill or invoice from Sporty's, and it's -- the name
13 of the customer is Zacarias Moussaoui.

14 Q. All right. And what's the invoice for? What item or items
15 was or were purchased?

16 A. The first item was a Boeing 747 flight deck video. The
17 second item is a Boeing 747 flight deck video, a second one.
18 Total price, including tax, was \$77.95.

19 MR. SPENCER: That's all I have for Special Agent
20 Billings, Your Honor. Thank you very much.

21 THE COURT: All right. Any cross?

22 MR. MAC MAHON: Not for this witness, Your Honor. Thank
23 you.

24 THE COURT: All right. I'm assuming that Special Agent
25 Billings is excused?

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1 MR. SPENCER: Yes, Your Honor, thank you.

2 THE COURT: All right. Agent, thank you for your
3 testimony. You're free to go. Do not discuss your testimony with
4 any witness who has not yet testified.

5 THE WITNESS: Thank you.

6 THE COURT: Thank you.

7 (Witness excused.)

8 THE COURT: Your next witness?

9 MR. SPENCER: Special Agent Louann Sandstrom, Your
10 Honor.

11 LOUANN SANDSTROM, GOVERNMENT'S WITNESS, AFFIRMED

12 DIRECT EXAMINATION

13 BY MR. SPENCER:

14 Q. Good afternoon.

15 A. Good afternoon.

16 Q. Could you please tell the Court and the jury your name and
17 spell both your first and last names, please.

18 A. My name is Louann, that's L-o-u-a-n-n, Sandstrom,
19 S-a-n-d-s-t-r-o-m.

20 Q. Are you employed by the Federal Bureau of Investigation?

21 A. Yes, I am.

22 Q. As a special agent?

23 A. That's correct.

24 Q. How long have you been employed with the FBI?

25 A. 19 years.